

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No.  
~~XXXXXX~~

14/ 1990

DATE OF DECISION 13-7-1990

Francis Xavier Applicant (s)

M/s. M.R Rajendran Nair & Advocate for the Applicant (s)  
P.V Asha

Versus

Union of India represented by Respondent (s)  
its Secretary to Government,  
Ministry of Communications, New Delhi. & 2 others.

Mr.V.V.Sidharthan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. N.DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

When M.P 383/90 filed by the applicant for a direction to the respondents to appoint the applicant as driver on the basis of his selection in the recruitment test held in 1987, came up for consideration, the application itself was taken up for disposal on agreement of parties. Accordingly we are disposing of this application after considering the matter on merits.

2. The grievance of the applicant is that the respondents are not declaring the result of the applicant in the recruitment test for drivers held on 16.10.87 and appointing him in his due turn as per the selection made by the selection committee.

3. On an earlier occasion, in O.A.K 170/87, after considering the grievance of the applicant in detail, we

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have passed Annexure-II judgment dated 21st September 1989, with the following observations:-

"So on the basis of the facts and circumstances of this case, the petitioner is entitled to be considered for regular appointment to the post of driver or in whichever category available with the second respondent to accommodate him on a regular basis. Accordingly, we dispose of the application with a direction to the respondents that the petitioner may be allowed to continue to work in the present post till his case is considered for appointment to a regular post in accordance with the office instructions applicable to the post taking into consideration the long period of service the petitioner has put in under the respondents".

3. When the applicant filed R.A 51/89, we have further clarified the position by observing as follows:-

"We make it clear that the observations contained in the judgment will not stand in the-way of the respondents in considering the petitioner's regular posting if he has already been selected in pursuance of the interim directions already passed in this case."

4. Even then the applicant had not been appointed as a driver. This is very unsatisfactory state of affairs. He has now approached this Tribunal by filing this application under Section 19 of the Administrative Tribunals Act for getting a posting as driver.

5. We have heard the matter today. The applicant's right to get a posting in terms of the selection has not been denied except by stating that his turn has not come for issuing an order of posting. In fact Annexure R(1) produced along with the counter affidavit filed by the respondents shows that in the test and interview conducted by the selection committee, the applicant was found to be qualified and the DPC has approved his appointment. He was also provisionally selected for appointment as driver "subject to the judgment of the Administrative Tribunal and subject to the other recruitment formalities."

Though this is kept secret, as directed by this Tribunal, the applicant is entitled to be appointed provisionally as a driver in the next arising vacancy in terms of the statements contained in Annexure R(1).

6. It was admitted in the counter affidavit that the applicant is working as casual driver since he was allowed to work as per the direction of this Tribunal in Annexure-II judgment. Now since the applicant has already been provisionally selected for appointment as driver and the DPC has cleared his appointment, this application can be disposed of in the interest of justice by issuing following directions:-

- i) The respondents shall publish the list of selected candidates as evidenced by Annexure R(1) forthwith.
- ii) The respondents shall also appoint the applicant as per Annexure R(1) proceedings, after publishing the same, as driver in the next arising vacancy in his turn, within a period of six months from today.

7. In the result the O.A is disposed of as above. There will be no order as to costs.

  
(N. DHARMADAN)  
JUDICIAL MEMBER

13.7.90

  
(S.P. MUKERJI)  
VICE CHAIRMAN

13.7.90